

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

MARTIN MARIETTA MATERIALS, INC.

PLAINTIFF

v.

Case No. 07-6076

TARAMINA PROPERTIES

DEFENDANT

ORDER

Now on the 2nd day of April, 2008, comes on for consideration of plaintiff's **Motion for Default Judgment (doc. 11)**. The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. The plaintiff, Martin Marietta Materials, Inc. (hereinafter "Martin Marietta"), filed this action on October 10, 2007 against the defendant Taramina Properties (hereinafter "Taramina"). The complaint seeks judgment for breach of contract against Taramina.

2. As evidenced by an Affidavit of Service (doc. # 10) filed with this Court on January 29, 2008 and the Affidavit in Support of Default attached to the instant motion as Exhibit B, Taramina was served with the complaint on January 18, 2008 by personal service upon Kelli Buck as an agent of Taramina.

3. Taramina has failed to answer or otherwise respond to the complaint.

4. Martin Marietta now moves for default judgment against Taramina.

5. Due to Taramina's failure to respond, it is in default pursuant to Rule 55 of the Federal Rules of Civil Procedure. Therefore, judgment should be, and it hereby is, entered against Taramina, and in favor of Martin Marietta.

4. Actual damages, in the amount of \$75,947.90 should be, and hereby are awarded to Martin Marietta. Further, Martin Marietta should be, and hereby is, awarded its costs of \$400.00 and attorneys' fees of \$713.50.

IT IS, THEREFORE, ORDERED that judgment be entered against the defendant, Taramina Properties, and in favor of the plaintiff, Martin Marietta Materials, Inc., with damages awarded as follows:

- * actual damages in the amount of \$75,947.90;
- * costs in the amount of \$400.00; and,
- * attorneys' fees in the amount of \$713.50.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
UNITED STATES DISTRICT JUDGE